



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Issued by the Department of Transportation on November 15, 2000

NOTICE OF ACTION TAKEN -- DOCKET OST-96-1196

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Federal Express Corporation** filed **5/22/00**¹ to:

XX Renew for two years exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign all-cargo air transportation between a point or points in the United States and certain named points in Brazil, either directly or via intermediate points, and beyond Brazil to points in Argentina, Uruguay, Paraguay, and Chile.²

No answers were filed to this application.

Applicant rep.: **Nathaniel P Breed, Jr. 202-663-8078** DOT analyst: **Linda Senese, 202-366-2367**

DISPOSITION

XX **Granted** (subject to conditions, see below)

The above action was effective when taken: **November 15, 2000**, through **November 15, 2002**, or until 90 days after final Department action on Federal Express' corresponding certificate application in Docket 45985, whichever occurs earlier.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX **The authority granted is consistent with the aviation agreements between the United States and Brazil, the United States and Argentina, the United States and Uruguay, the United States and Paraguay, and the United States and Chile.**

(See Reverse Side)

¹ Federal Express filed two applications in Docket OST-96-1196 on May 22, 2000. The subject application addressed in this action concerns renewal of Federal Express' underlying authority, for which Federal Express invoked the APA provisions. The second application was for an exemption or waiver of a dormancy condition concerning its frequencies; that application was disposed of by Notice of Action Taken, dated July 27, 2000, and by Order 2000-9-24.

² The points in Brazil which Federal Express is authorized to serve are: Porto Alegre, Recife, Belo Horizonte, Salvador de Bahia, Belem, Manaus, Brasilia, Rio de Janeiro and Sao Paulo.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Conditions: The authority granted to serve intermediate points is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

Remarks: The authority for which Federal Express requested renewal expired July 31, 2000, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on its timely filed renewal application.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the requested authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*

APPENDIX A

U.S. CARRIER **Standard Exemption Conditions**

In the conduct of operations authorized by the attached notice, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations, including all FAA requirements concerning security; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.